

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ECREDIT SOLUTIONS LLC,

Plaintiff,

V.

VYZE, INC.,

Defendant.

Case No. 6:20-cv-304

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT AND JURY DEMAND

This is an action for patent infringement in which Plaintiff eCredit Solutions LLC (“eCredit Solutions”) complains against Defendant Vyze, Inc. (hereinafter referred to “Defendant”) as follows:

PARTIES

1. Plaintiff eCredit Solutions LLC is a Delaware limited liability company having a principal place of business in Delaware.
2. On information and belief, Defendant is, on information and belief, a Delaware corporation and may be served through its registered agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because, directly or through intermediaries, Defendant has committed acts within the District giving rise to this action and/or has established minimum contacts with the District such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.
5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Upon information and belief, venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant has committed acts of infringement in this District and has a regular and established place of business in this District, located at 2700 W. Anderson Ln, Suite 119, Austin, TX 78757.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,788,353 B2

6. Plaintiff is the owner by assignment of United States Patent No. 8,788,353 B2 (“the ‘353 patent”), entitled “System and Method for Presenting a Financing Instrument at a Point of Sale” – including all rights to recover for past and future acts of infringement. Plaintiff contends that the claims of the ‘353 Patent are entitled to at least an earliest effective filing date of December 3, 2012.
7. The ‘353 patent was duly and legally issued on July 22, 2014. A true and correct copy of the ‘353 patent is attached as Exhibit A.
8. The ‘353 patent is generally related to a method for extending credit to a purchaser-borrower at a point-of sale terminal. As set forth in Exhibit B, upon information and belief, Defendant makes, uses and/or sells products that directly infringe one or more claims of the ‘353 patent.

9. As set forth in Exhibit B, upon information and belief, all limitations of at least one asserted claim are present literally. To the extent that any specific limitation of the asserted claim is found to not be present literally or if there are any differences between the claim elements and the products listed, upon information and belief the differences are insubstantial and the products would therefore infringe under the doctrine of equivalents.
10. Defendant is thus liable under at least 35 U.S.C. § 271(a) for direct infringement for at least making, using and/or selling at least the products identified in Exhibit B.

PRAYER FOR RELIEF

WHEREFORE, eCredit Solutions LLC respectfully requests that this Court enter judgment in its favor as follows:

- A. Holding that Defendant has directly infringed the '353 Patent, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271;
- B. Awarding to eCredit Solutions LLC the damages to which it is entitled under 35 U.S.C. § 284 for Defendant's infringement;
- C. Declaring this to be an exceptional case and awarding eCredit Solutions LLC its attorneys' fees under 35 U.S.C. § 285;
- D. Awarding eCredit Solutions LLC costs and expenses in this action;
- E. Awarding eCredit Solutions LLC pre- and post-judgment interest on its damages; and
- F. Awarding eCredit Solutions LLC such other and further relief in law or in equity as this Court deems just and proper.

JURY DEMAND

eCredit Solutions LLC requests a trial by jury of any and all issues so triable.

Respectfully Submitted,

ECREDIT SOLUTIONS LLC

/s/ Papool S. Chaudhari

Dated: April 22, 2020

By: _____

PAPOOL S. CHAUDHARI
State Bar No. 24076978
Chaudhari Law PLLC
PO Box 1863
Wylie, TX 75098
papool@chaudharilaw.com
Tel. (214) 702-1150
Fax. (214) 705-3775

ATTORNEY FOR PLAINTIFF